



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,179	03/10/2000	NICOLANGELO PEDUTO	1022701-000854	4762
21839	7590	02/15/2011	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC			PATTERSON, MARC A	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			1782	
MAIL DATE		DELIVERY MODE		
02/15/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Panel Decision from Pre-Appeal Brief Review</b>	Application/Control No.	Applicant(s)/Patent under Reexamination
	09/462,179	PEDUTO ET AL.
	Marc A. Patterson	Art Unit 1782

This is in response to the Pre-Appeal Brief Request for Review filed 27 December 2010.

1.  **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: \_\_\_\_\_

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2.  **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-3, 10-14, 16-18 and 26-28 (pending claims).

Claim(s) withdrawn from consideration: \_\_\_\_\_

3.  **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4.  **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) ROBERT J. WARDEN.

(3) Rena Dye.

(2) Marc A. Patterson.

(4) \_\_\_\_\_.

/ROBERT J. WARDEN/  
Supervisory Patent Examiner, Art  
Unit 1700

/Marc A Patterson/  
Primary Examiner, Art Unit 1782

/Rena L. Dye/  
Supervisory Patent Examiner  
Art Unit 1782